

KENTUCKY'S ENVIRONMENT

The Newsletter of the Environmental Quality Commission
Volume 16, No. 2 March-April 2000

EQC

is a seven-member citizen board that advises officials on environmental matters, provides a public forum for the discussion of issues and monitors environmental conditions. To receive the free EQC newsletter call 502-564-2150 ext. 160, e-mail EQC@mail.state.ky.us, or write to EQC at 14 Reilly Rd., Frankfort, KY 40601. You can also submit your comments and check out EQC activities at our Website at www.kyeqc.net. Printed bimonthly with state funds.

Governor Patton Issues CAFO Regulations

On February 14, 2000 Governor Paul E. Patton issued emergency regulations regarding large-scale poultry, swine, beef cattle, and dairy cattle concentrated animal feeding operations (CAFOs) and filed a notice to promulgate permanent regulations to govern the permitting of these operations.

The regulations set siting standards for the construction of any new facilities, expand the type of operation covered by regulations, and ensure that the producer and integrator share responsibility in the management of animal waste. Before the emergency regulations were issued, responsibility for the animal waste fell solely upon the farmers who contract with integrators to raise the animals.

The regulations are in response to growing public and environmental concerns regarding the proliferation of CAFOs in Kentucky. They are also the result of the U.S. Department of Agriculture and the U.S. Environmental Protection

Agency's joint "Unified National Strategy for Animal Feeding Operations" directive issued on March 9, 1999.

Under the regulations Animal Feeding Operations (AFOs) are defined as a farm or operation which raises animals in a confined manner for a total of 45 days or more in any 12 month period. Currently, there are an estimated 2,500 operations in Kentucky that could be considered an AFO. Of this number, an estimated 250 operations are large enough to be defined as a Concentrated Animal Feeding Operation. Most CAFOs are currently located in far-western and west-central Kentucky.

A CAFO is defined as more than 1,000 Animal Units (AUs). An AU is a measure of waste production--1,000 AUs is the equivalent of 700 dairy cattle, 100,000 laying hens or broilers, 2,500 feeder pigs or 1,000 head of beef cattle.

CAFOs will be required to apply for a for a general or individual Ky. Pollution

continued back page - see CAFO Regulations

Public Hearings Set on Proposed CAFO Regulations and Draft CAFO Permits

The Ky. Division of Water has scheduled public hearings for the purpose of gathering comments on regulations (401 KAR 5:072) regarding Confined Animal Feeding Operations (CAFOs) and the four proposed CAFO general permits.

The hearings to review the proposed CAFO regulations are scheduled: for **March 28**, Western Hills High School (Frankfort) and for **March 30**, Madisonville Technology Center.

The hearings to review the CAFO permits are scheduled for **March 27**, Western Hills High School (Frankfort) and for **March 29**, Madisonville Technology Center.

For more information contact Courtney Seitz, DOW, at 502-564-3410 or via e-mail at courtney.seitz@mail.state.ky.us. The proposed permits can be viewed on the web at <http://water.nr.state.ky.us/dow/cafo.htm>.

Public Rally for Environmental Education

March 22, 4:30 pm, front steps of the State Capitol, Frankfort. Come show your support for environmental education. For more information contact Karen Reagor, Ky. Association for Environmental Education, 606-578-0312.

MEETINGS/CONFERENCES

March 17-18 - Ky. Woodland Owners Assoc. Annual Conf. - Gen. Butler State Park, Carrollton. *Contact: KWOA, 606-635-7826 or kwoa@fuse.net.*

March 23-24 - 9th Business & Industry's Environmental Forum - Cincinnati Convention Ctr., Cincinnati. *Contact: Libby Douglas, Manufacturers Education Council, 614-229-7990.*

March 30 - BMPs Workshop for Nursery, Garden Ctr. Operators & Landscape Contractors - UK Research & Education Ctr., Princeton. *Contact: Amy Fulcher, 270-821-3650.*

April 11-12 - KY Rural Water Association's 2000 Management Conf. - University Plaza Hotel, Bowling Green. *Contact: KRWA, 270-843-2291 or KRWA@kih.net.*

April 14-15 - KY Waterways Alliance Annual Meeting - Barren River State Park. *Contact: Judy Petersen, KWA, 270-524-1774 or Judy@KWAlliance.org.*

April 19 - ECU's Earth Day in the Cumberland Environmental Fair; Powell Courtyard, ECU. *Contact: Alice Jones, ECU, 606-622-1476 or geojones@eku.edu.*

April 28-30 - KY Rural Water Association's 2000 Annual Technical Conf. & Exhibition - Galt House East, Louisville. *Contact: KRWA, 270-843-2291 or krwa@kih.net.*

PUBLIC NOTICES/HEARINGS

Ky. Division of Water - KPDES Permit Notices

• **Leslie Co. Board of Education** - permit modification of existing discharge to the Middle Fork Ky. River from the Stinnett Elementary School's wastewater treatment plant (outfall #2). (KY0101575)

• **Glendale Speedway Travel Center** (Hardin Co.) - permit modification of an existing discharge of storm water runoff and sanitary wastewater from a gas station into an unnamed tributary of Nolin River. (KY0080764)

• **36 Water Discharge Permit Issuances/Reissuances - (Public Notice 2000 06-09)**. *Contact: Courtney Zietz, 502-564-3410.*

Ky. Division of Waste Management - Hazardous Waste Notices

• **Florida Tile Industries, Inc.**, Lawrenceburg (Anderson Co.) - Tentative decision to approve the Corrective Study/Implementation Plan for the clean up of lead contaminated soils on the facility grounds and in an unnamed tributary of Hammond Creek. **Public Comment is due by April 17.**

• **Ford Assembly Plant**, Louisville (Jefferson Co.) - Received a Clean Closure Equivalency Demonstration Report as evidence that a former surface impoundment unit was closed in compliance. **Public Comment is due by March 24.** Above hazardous waste notices contact Michael Welch, DWM, 502-564-6716.

KY Division of Waste Management - Solid Waste Notices

• **Commonwealth Aluminum Inc.**, Lewisport (Hancock Co.) - a **Public Meeting** is scheduled for **March 21** to review technical requirements of the a new residual landfill application. (046-00017 LE1NW1).

• **Laurel Ridge Landfill**, Lily (Laurel Co.) - Approval of a Groundwater Assessment Report that demonstrates low-level volatile organic contamination in one monitoring well. **Public Comment due April 14.** *Contact: Carol Sole, DWM, 502-564-6716.*

KY Division of Waste Mgt. - Underground Storage Tanks

• **Dairy Mart**, Walnut & Depot, Lebanon, Marion Co. (5230-078) *Contact: Lori Terry, UST Branch, DWM, 502-564-6716.*

KY Division for Air Quality - Public Notices

• **Title V Operating Permit - Air Products & Chemicals**, Calvert City (Marshall Co.); **BF Goodrich Co.**, Calvert City (Marshall Co.); **Brown S Plating Serv.**, Paducah (McCracken Co.); **Calgon Carbon Corp.**, Catlettsburg (Boyd Co.); **Catlettsburg Refining**, Catlettsburg (Boyd Co.); **Elf Atochem N. Amer.**, Calvert City (Marshall Co.); **Hampshire Chemical Corp.**, Owensboro (Davies Co.); **Interplastic Silmar Resin**, Fort Wright (Kenton Co.); **Martek Biosciences Corp.**, Winchester (Clark Co.); **Vanderbilt Chemical Corp.**, Murray (Calloway Co.); **Wacker Polymer Systems**, Calvert City (Marshall Co.); **Westlake Monomers Corp.**, Calvert City (Marshall Co.).

• **Conditional Major Source Operating Permit (Title V does not apply)** - **Woodwork Of Mid-Amer.**, Bowling Green (Warren Co.); **Bluegrass Woodworking**, Lexington (Fayette Co.).

Continued back page - see Public Notices



Environmental Quality Commission Meeting Announcement



EQC Public Meeting

March 22, 2000

2:30 pm, Room 131, Capitol Annex, Frankfort

Update of 2000 Legislative Session

- Bruce Williams, Deputy Sec., NREPC
- Tom FitzGerald, Dir., Ky. Resources Council

Environmental Education: A Call for Action

- Jane Wilson-Eller, Dir., KY Env. Education Council
- Ky. Association for Environmental Education

Upcoming EQC Meetings

EQC Earth Day 2000 Awards Ceremony

April 19, Ky. History Center

1:00 pm to 4:30 pm.

All EQC meetings are free and open to the public. Meeting facilities are accessible to people with disabilities. Auxiliary aids, interpreters, and other services will be provided upon request by contacting EQC.

Public Notices - continued from page 1

- **Prevention of Significant Deterioration (PSD) Construction/Operating Permit - Guardian Automotive**, Morehead (Rowan Co.).
- **Synthetic Minor Operating or Construction/Operating Permit at a Title V Source (PSD regs. do not apply) - DPL Energy**, Hardinsburg (Breckenridge Co.); **VMV Enterprises**, Paducah (McCracken Co.); **Eagle Industries**, Bowling Green (Warren Co.); **Montaplast of North America**, Frankfort (Franklin Co.).
- **Acid Rain Permit (Revised) - Western Ky. Energy**, Reid Station (Webster Co.).

- **Prevention of Significant Deterioration (PSD) Permit (Revised) - NSA Div. of Southwire**, Hawesville (Hancock Co.).

- **Federally Enforceable Construction/Operating Permit (Precludes MACT requirements) - Sumitomo Electric Magnetic Wire**, Edmonson (Metcalf Co.).

To comment on above air notices contact Bill Dills, DAQ, 502-573-3382.

U.S. EPA Underground Injection Wells - Public Notices

- **Penske Truck Leasing Co.**, Lexington (Fayette Co.) • **Black Tower Oil & Gas, Inc.**, Muhlenberg Co. (KY00UIC006)- notice of proposed issuance of underground injection control permit.

Contact: William Mann, US EPA Groundwater/Drinking Water Branch at 404-562-9429, ext. 29452.

PROPOSED STATE REGULATIONS/PLANS/PROJECTS

- **Air Quality Regulations** - The Ky. Division for Air Quality has filed Notices of Intent to promulgate regulations to establish definitions (401 KAR Chapter 51:001), provide general provisions for regional NOx requirements (401 KAR Chapter 51:200), regional NOx emission limits (401 KAR Chapter 51:210), and averaging procedures for NOx emission reductions (401 KAR Chapter 51:220). To comment contact Millie Ellis, DAQ, 502-573-3382.

- **I-66 Southern Ky. Corridor** - Ky. Dept. of Transportation has scheduled two Public Information/Scoping Meetings to discuss a planning study to establish a preferred southern corridor between Cumberland Parkway and the Daniel Boone Parkway. The meetings are scheduled **March 21 in Somerset** and **March 23 in London**. Contact: Annette Coffey, DOT, 502-564-7183.

Kentucky Environmental Quality Commission

14 Reilly Road

Frankfort, KY 40601-1132

Telephone: 502-564-2150 Fax: 502-564-4245

Volume 16, No. 2

March-April 2000



Commonwealth Cleanup Week

Kentuckians are coming together to cleanup the state during March 18-25-- Commonwealth Cleanup Week. For more information call 1-888-NO-DUMPS or e-mail Sara Evans at sara.evans@ mail.state.ky.us. As part of the effort to promote Commonwealth Cleanup Week, EQC has put together a gallery of some of the illegal dumps in the state--check it out at <http://www.kyeqc.net/ccw.html>.

Notice - The EQC Web site has moved to www.kyeqc.net

CAFO Regulations - continued from page 1

Discharge Elimination System (KPDES) permit depending upon the size of the operation and type of discharge. Individual permits will require that the public be notified at the time of the application and be provided with an opportunity to comment on the permit.

Siting criteria established under the regulations specify that CAFO barns, poultry houses, lagoons, and land application areas cannot be located in:

- a state or national park, forest, or preserve
- a wellhead protection area
- hundred year floodplain, jurisdictional wetland, or sinkhole

Siting setbacks for structures and land application areas are also specified. For example, structure setbacks include:

- 1,500 feet from any dwelling not owned by the applicant
- 2,000 to 3,000 feet from a city limit (depending on operation)
- 300 feet from any water well not owned by the applicant
- 1 mile from an outstanding waterway
- 150 feet from a primary road

The emergency regulations can be viewed at <http://water.nr.state.ky.us/dow/cafo.htm>. For more information contact Bruce Scott, DOW, 502-564-3410.

FEDERAL NOTICES

- **OSM Proposed Amendments Regarding General Requirements for Steep Slopes** - revisions to 30 CFR Part 917 are intended to make Ky.'s program consistent with the federal rules. **Public Comment** due **March 20**. Contact: Thomas Koppe, OSM, 606-233-2896.

- **Draft Big South Fork NRR General Management Plan & Environmental Impact Statement** - Presents a long-term framework for managing the area. Contact: Steven Seven, BSF NRR, 423-569-9778.

- **US Dept. of the Interior's Draft EIS for Planned Upgrade of Big South Fork Charit Creek Lodge Septic System Public Comments** due **April 7**. Contact: Steven Seven, BSF NRR, 423-569-9778.

- **US Forest Service Proposal to Develop Road Management Policy** - to prioritize maintenance and reconstruction of forest roads and eliminate unneeded roads. **Public Comment** is due by **May 2**. Contact: Joe Walsh, USFS, 202-205-1089.

PUBLICATIONS

- **Maxey Flats Nuclear Disposal Site 1997 and 1998 Summary Report on Surface and Well Water** -Summary reports for data collected for 1997 and 1998. The state reports the site did not pose a threat to public health during this timeframe. Contact John Volpe, Ky. Dept. for Public Health, 502-564-3700.

- **17th Annual Evaluation Report for Regulatory & Abandoned Mine Land Reclamation Programs** - summary of Ky. surface mining program and its effectiveness in meeting the federal Surface Mining Act. Contact: Tom Harrell, OSM, 606-233-2457.

April 22, 2000 - 30th Anniversary of Earth Day

April 22, 2000 is the 30th anniversary of Earth Day.

For more information on how you can become involved in this historic event and to view various Earth Day events planned across the Commonwealth check out the Earth Day Network Web site at <http://www.earthday.net/>